

13753. Adulteration of egg noodles. U. S. v. D. W. Mikesell, Inc., and Eugene C. Cox. Pleas of guilty. Corporation fined \$400 and individual defendant fined \$250. (F. D. C. No. 25278. Sample No. 18674-K.)

LIBEL FILED: August 5, 1948, Southern District of Indiana, against D. W. Mikesell, Inc., Indianapolis, Ind., and Eugene C. Cox, manager.

ALLEGED SHIPMENT: On or about February 6, 1948, from the State of Indiana into the State of Ohio.

LABEL, IN PART: "Mike-sell's Home Made Enriched Egg Noodles."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of larva, insect fragments, and rodent hair fragments.

DISPOSITION: November 8, 1948. Pleas of guilty having been entered, the corporation was fined \$400 and the individual defendant \$250.

13754. Adulteration and misbranding of egg noodles. U. S. v. Mrs. Kelley's Noodle Kitchen. Plea of guilty. Fine, \$400. (F. D. C. No. 25332. Sample Nos. 19060-K, 39981-K.)

INFORMATION FILED: November 19, 1948, Southern District of Ohio, against Mrs. Kelley's Noodle Kitchen, a partnership, Dayton, Ohio.

ALLEGED SHIPMENT: On or about January 23 and 30, 1948, from the State of Ohio into the State of Indiana.

LABEL, IN PART: "Eavey's E Brand Pure Egg Noodles \* \* \* Packed By The Eavey Co. Richmond, Ind. Xenia, Ohio" or "Mrs. Kelley's Egg Noodles \* \* \* Mrs. Kelley's Noodle Kitchen Dayton-Ohio."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent of the solids of egg or egg yolk, had been in part omitted; and, Section 402 (b) (2), a product deficient in the solids of egg or egg yolk had been substituted in part for egg noodles, a food for which a definition and standard of identity has been prescribed by the regulations.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for egg noodles since the total solids of the product contained less than the minimum of 5.5 percent, by weight, of the solids of egg or egg yolk required by the standard.

DISPOSITION: December 13, 1948. A plea of guilty having been entered, the defendant was fined \$400.

#### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS\*

13755. Adulteration and misbranding of pulverized oats. U. S. v. George A. Van Dam (Van Dam & Sons). Plea of guilty. Fine, \$500. (F. D. C. No. 25318. Sample Nos. 39249-K to 39251-K, incl.)

INFORMATION FILED: November 8, 1948, Eastern District of Wisconsin, against George A. Van Dam, trading as Van Dam & Sons, Casco, Wis.

ALLEGED SHIPMENT: On or about January 5 and February 13 and 18, 1948, from the State of Wisconsin into the State of Massachusetts.

LABEL, IN PART: "Medium Pulverized Oats."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of limestone and pulverized oats had been substituted for pulverized oats.

\*See also No. 13860.